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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:
Commissioner for Patents
Box RCE
Washington, DC 20231

Application Number	09/403,262
Filing Date	October 15, 1999
First Named Inventor	Nikolaus Theres
Art Unit	1638
Examiner Name	Ashwin Mehta
Attorney Docket Number	DEBE:016US

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MAY 19 2003
OFFICE OF PETITIONS

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s) reply under 37 CFR 1.116 previously filed on December 18, 2002
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☒ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☒ Other Pet. to Revive Unintentionally Abandoned Appl. Under 37

3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-1212/10211576/SLH 05/19/2003 WAHHE1 00000129 09403262
- i. ☒ RCE fee required under 37 CFR 1.17(e) 02 FC:2801 375.00 OP
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☒ Check in the amount of \$ 375.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Steven L. Highlander	Registration No. (Attorney/Agent)	37,642
Signature		Date	May 12, 2003

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Steven L. Highlander	Date	May 12, 2003
Signature			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.



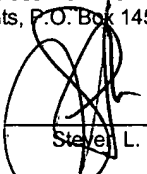
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May 12, 2003

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
<u>May 12, 2003</u> Date	 Steven L. Highlander

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Re: U.S. Serial No. 09/403,262 Entitled: "PLANTS WITH CONTROLLED SIDE-SHOOT FORMATION AND/OR CONTROLLED ABSCISSION ZONE FORMATION" by Nikolaus Theres
Matter No. 10211576/DEBE:016US

Enclosed for filing in the above-referenced patent application is:

1. Petition to Revive Unintentionally Abandoned Application Under 37 C.F.R. § 1.137(b);
2. A check for \$650.00 as the fee for the Petition to Revive;
3. Request for Continued Examination (RCE) Transmittal;
4. A check for \$375.00 as the fee for RCE;
5. Preliminary Request for Reconsideration;

25293771.1

COMMISSIONER FOR PATENTS

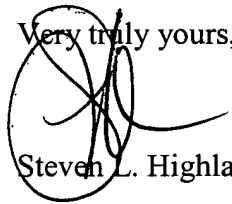
May 12, 2003

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6. Declaration of Dr. Nikolaus Theres Under 37 C.F.R. § 1.132; and
7. A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

If the check is inadvertently omitted, or the amount is insufficient, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski L.L.P. Account No.: 50-1212/10108444/SLH.

Very truly yours,

A handwritten signature in black ink, appearing to be "SLH", is written over a circular stamp or seal.

Steven L. Highlander

SLH/cpj

Encl: As noted